

STATE OF INDIANA)
) SS:
COUNTY OF JACKSON)

IN THE JACKSON SUPERIOR COURT

CAUSE NO. 36D01-0608-PL-14

STATE OF INDIANA,)
)
 Plaintiff,)
)
 v.)
)
EMILY WENDT, individually and doing)
business as AIR TECH DISTRIBUTING,)
)
 Defendant.)

DEFAULT JUDGMENT

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment, and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendant.
2. The Jackson County Sheriff duly served the Defendant with process more than twenty-three (23) days before Plaintiff filed its Motion for Default Judgment.
3. The Defendant has failed to appear, plead, or otherwise respond to the complaint.
4. The Defendant is not an infant, incompetent, or in military service.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of Plaintiff, State of Indiana, and against Defendant, Emily Wendt, individually and doing business as Air Tech Distributing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

1. Defendant is permanently enjoined, pursuant to Indiana Code § 24-5-0.5-4(c)(1),
from:

- a. In the course of conducting promotions in Indiana, failing to include the disclosures required by the Promotional Gifts and Contests Act, Ind. Code §§ 24-8-3-2 through 24-8-3-8, in the promotional prize notices delivered to consumers;
- b. in the course of conducting promotions in Indiana, failing to provide a prize to the consumer after representing that the consumer had won a prize, or failing to offer to the consumer a substitute prize pursuant to the terms of Ind. Code § 24-8-5-1(a) if the prize the consumer won is not available;
- c. in the course of conducting home consumer transactions, failing to provide a full refund within ten (10) business days to consumers that properly execute the Notice of Cancellation within the prescribed cancellation period;
- d. in the course of conducting consumer transactions, representing that the transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the Defendant knows or reasonably should know that it is false;
- e. re-possessing or attempting to re-possess a Tri-Star MG1 vacuum cleaner from Mary Beth Jareski based on Defendant's failure to take possession of the unit within twenty (20) days of receiving Jareski's Notice of Cancellation; and
- f. in the course of conducting consumer transactions, representing expressly or by implication that a consumer transaction has sponsorship, approval, performance,

characteristics, accessories, uses, or benefits it does not have which the Defendant knows or should reasonably know it does not have.

2. Pursuant to Ind. Code § 24-5-0.5-4(d), Defendant's contract with Mary Beth Jareski dated on or about July 22, 2005, is hereby cancelled.

3. Pursuant to Ind. Code § 24-5-0.5-4(c)(3), Defendant shall pay costs in the amount of Eight Hundred Eighty Dollars (\$880.00) for the Attorney General's reasonable expenses incurred in the investigation and prosecution of this action.

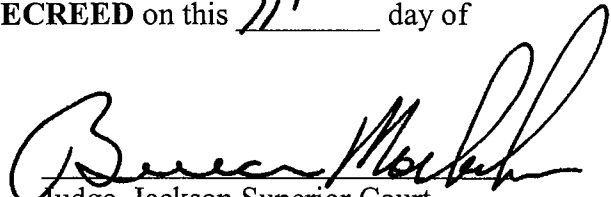
4. Pursuant to Ind. Code § 24-5-0.5-4(c), the Defendant shall pay consumer restitution to Mary Beth Jareski in the amount of Nine Hundred Dollars (\$900.00).

5. Pursuant to Ind. Code § 24-5-0.5-4(g), Defendant shall pay civil penalties in the amount of Thirty Thousand Dollars (\$30,000.00) for Defendant's knowing violations of Indiana's Deceptive Consumer Sales Act.

6. Pursuant to Ind. Code § 24-5-0.5-8, Defendant shall pay civil penalties in the amount of Three Thousand Dollars (\$3,000.00) for Defendant's intentional violations of Indiana's Deceptive Consumer Sales Act.

For a total monetary judgment in the amount of Thirty-Four Thousand Seven Hundred Eighty Dollars (\$34,780.00).

ALL ORDERED, ADJUDGED AND DECREED on this 11th day of October, 2006.


Judge, Jackson Superior Court

DISTRIBUTION:

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